

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

MICHAEL A. GUZMAN,

Plaintiff,

v.

No. 1:14-cv-00055 KG-SCY

NEW MEXICO CORRECTIONS DEPARTMENT, *an agency of the State of New Mexico*; STATE OF NEW MEXICO, GREGG MARCANTEL, *Secretary of the New Mexico Corrections Department*, COLLEEN MCCARNEY, *individually and in her official capacity, as an employee of the New Mexico Corrections Department*,

Defendants.

FINAL ORDER GRANTING SUMMARY JUDGMENT  
AND DISMISSAL OF REMAINING CLAIMS

Having granted Defendants New Mexico Corrections Department, an Agency of the State of New Mexico, Gregg Marcantel and Colleen McCarney's Motion for Summary Judgment and Memorandum of Law in Support Thereof (Doc. 30), filed May 28, 2014, by Memorandum Opinion and Order entered contemporaneously with this Order of Entry of Summary Judgment and Dismissal of Remaining Claims,

IT IS ORDERED that

1. summary judgment is entered in favor of Defendants Gregg Marcantel and Colleen McCarney, in their individual capacities, on Count I of Plaintiff's Complaint (Doc. 1-1), filed January 17, 2014;
2. all claims in Plaintiff's Complaint as to Defendant New Mexico Corrections Department, Defendant State of New Mexico, and Defendant Greg Marcantel and Defendant Colleen McCarney, in their official capacities, are dismissed without prejudice;

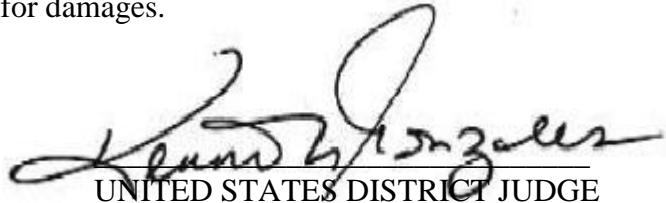
3. Plaintiff's Fourteenth Amendment claims in Count I of the Complaint, as to Defendant Gregg Marcantel and Colleen McCarney, in their individual capacities, are dismissed with prejudice;

4. Plaintiff's Eighth Amendment claim for supervisory liability in Count I of the Complaint as to Defendant Gregg Marcantel, in his individual capacity, is dismissed with prejudice;

5. Plaintiff's Eighth Amendment claim in Count I of the Complaint as to Defendant Gregg Marcantel and Defendant Colleen McCarney, in their individual capacities, are dismissed with prejudice;

6. Plaintiff's state law claims against Defendant Colleen McCarney, in her individual capacity, in Count II and Count III of the Complaint are dismissed without prejudice; and

7. Plaintiff's damages claim against Defendant Gregg Marcantel and Defendant Colleen McCarney, in their individual capacities, in Count IV is dismissed with prejudice as no substantive claims remain to support a claim for damages.



UNITED STATES DISTRICT JUDGE